

# UNITED STATES DISTRICT COURT

for the  
District of Nebraska

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Devices 1, 2, 3 and 4 further described in  
attached affidavit.

Case No. 8:18MJ391

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attached addidavit. Described in paragraph 6 and stored in the custody of DEA.

located in the \_\_\_\_\_ District of \_\_\_\_\_ Nebraska \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See attached addidavit.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
T. 21 U.S.C. §§ 846, 841(a)(1), 843(a)(3),	Conspiracy to distribute a controlled substance.

The application is based on these facts:

See attached Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

  
Applicant's signature

☒ Sworn to before me and signed in my presence.

Tyler Kroenke, NSP/TFO-DEA

Printed name and title

☐ Sworn to before me by telephone or other reliable electronic means.



Judge's signature

Date:

11/1/2018

City and state: Omaha, Nebraska

MICHAEL D. NELSON, U.S. Magistrate Judge

Printed name and title



as a Trooper with the NSP and TFO with the DEA, Your Affiant has been assigned to investigations of violations of the drug laws of the United States including violations of Title 21, United States Code, Sections 841(a)(1), Title 21, United States Code, 843(a)(3), and Title 21, United States Code, Section 846.

3. In work as a Trooper with the NSP and TFO with the DEA, Your Affiant has been involved in controlled purchases and the execution of search warrants. As a result, Your Affiant has arrested individuals for violating State and Federal statutes regarding the possession, manufacture, and sale of controlled substances and weapons.

4. Your Affiant has conducted and has been associated with investigations involving the interception of wire communications and electronic communications obtained from cellular telephone devices. Your Affiant is familiar with the ways in which drug traffickers conduct business, including, but not limited to, their methods of importing and distributing controlled substances, their use of cellular telephones, and their use of numerical codes and code words to conduct their transactions.

5. Your Affiant has personally participated in the investigation set forth below. Your Affiant is familiar with the facts and circumstances of the investigation through personal participation and from discussions agents and officers involved in the investigation. Your Affiant has also reviewed records and reports related to this investigation. Unless otherwise noted, wherever this affidavit asserts that a statement was made, the information was provided by another agent,

law enforcement officer or witness, who may have had either direct or hearsay knowledge of that statement, and to whom Your Affiant, or others, have spoken, or whose reports Your Affiant has read and reviewed. Such statements are among many statements made by others and are stated in substance and in part unless otherwise indicated. Since this Affidavit is being submitted for the limited purpose of securing an order authorizing the acquisition of the Requested Information, Your Affiant has not included details of every aspect of the investigation. Facts not set forth herein, or in the attached exhibits, are not being relied upon in reaching the conclusion that the requested order should be issued. Nor does Your Affiant request that this Court rely on any facts not set forth herein in reviewing this application.

#### **PURPOSE OF AFFIDAVIT**

6. Your Affiant submits this Affidavit in support of an Application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search and seize data and records from a cellular communication device, specifically described as: **DEVICE #1** – a silver cellular phone in evidence bag S000716540; **DEVICE #2** – a silver cellular phone with cracked screen in evidence bag S000716541; **DEVICE #3** – a gray ZTE flip cellular phone in evidence bag S000716541; **DEVICE #4** – a gray Samsung cellular phone in evidence bag S000716541.

7. Through Your Affiant's training and experience, Your Affiant is aware that individuals who deal in illegal controlled substances commonly use cellular telephones to maintain addresses; telephone numbers; bank account information, including deposit amounts, names and numbers; drug and money ledgers; directions and instructions; travel, time, and route navigation

information; and other information specific to drug dealing. In addition to continuing their illegal businesses, these individuals often utilize cellular phones to maintain contact with their criminal associates; to access the internet; to transact banking and other financial business over the internet; and to keep records of these transactions on the computer memories. Oftentimes, travel, transportation, and transaction instructions are sent and received via text message, e-mail or instant messages which are stored on the digital memories of these devices. Internet e-mail providers require little or no personal information to activate e-mail accounts used to give directions and to report progress in furtherance of the illegal drug trade. These e-mail messages are stored on the memories of the cellular telephones. Memory in cellular telephones includes internal memory, and memory storage on removable devices such as SIM cards and SD cards. In addition, some devices have built in electronic digital cameras and digital video capabilities. Individuals who deal in illegal controlled substances often take, or cause to be taken, photographs of themselves their associates their properties and their illegal products and merchandise. Lastly, I know that cellular telephones can store information for long periods of time, and even if records are deleted, many times, through the use of forensic tools, the records may be retrieved.

8. Searching for the evidence described may require a range of data analysis techniques. In some cases, agents and computer analysts may be able to conduct carefully targeted searches that can locate evidence without requiring a time-consuming manual search through unrelated materials that may be commingled with criminal evidence. In other cases, however, such techniques may not yield the evidence described in the warrant. Criminals can mislabel or hide information; encode communications to avoid using key-words; attempt to delete information to evade

detection; or take other steps designed to frustrate law enforcement searches for information. These steps may require law enforcement officers or other analysts with appropriate expertise to conduct more extensive searches, such as scanning storage areas unrelated to things described in the Attachments, or perusing all stored information briefly to determine whether it falls within the scope of the warrant. In light of these difficulties, the DEA intends to use whatever data analysis techniques necessary to locate and retrieve the evidence sought.

### **TECHNICAL TERMS**

9. Based on Your Affiant's training and experience, Your Affiant uses the following technical terms to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used primarily for voice communication through radio signals. These telephones send signals through networks of transmitter/receivers called "cells," enabling communication with other wireless telephones or traditional "land line" telephones. A wireless telephone usually contains a "call log," which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones now offer a broad range of capabilities. These capabilities include, but are not limited to: storing names and phone numbers in electronic "address books;" sending, receiving, and storing text messages and email; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet.

Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.

- b. Digital camera: A digital camera is a device that records still and moving images digitally. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images. This storage media can contain any digital data, including data unrelated to photographs or videos.
- c. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store any digital data, such as word processing documents, even if the device is not designed to access such files. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.

- d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records of the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected to that antenna can mathematically calculate the antenna’s latitude, longitude, and sometimes altitude with a high level of precision.
- e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive email. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For



example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system (“GPS”) technology for determining the location of the device.

- f. Digital display device: A digital display device is a handheld wireless electronic device used to contact an individual through an alert, or a numeric or text message sent over a telecommunications network or internet network. Some devices enable the user to send, as well as receive, text messages.
- g. IP Address: An Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer or other such device attached to the Internet computer must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers or other such device have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.
- h. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

10. Based on Your Affiant's training, experience, and research, Your Affiant knows that the Devices described in this affidavit as **DEVICE #1, DEVICE #2, DEVICE #3** and **DEVICE #4** commonly have capabilities that allow it to serve various functions, including, but not limited to, a wireless telephone; a digital camera; a portable media player; a GPS navigation device; a digital display device, and a PDA with an internet connection. In my training and experience, examining data stored on cellular telephones of this type can uncover, among other things, evidence which reveals or suggests the identity of the person or persons who possessed or used the device as well as information regarding criminal activities and criminal conspirators.

#### **PROBABLE CAUSE**

11. During the dates July 25, 2018 to July 26, 2018, Cameron WEBER and Cassandra CLINTON filled or attempted to fill fraudulent prescriptions for 120 Oxycodone 30mg tablets at four different HyVee pharmacies in Omaha, NE. At each location, CLINTON and WEBER exited the backseat of a dark colored pickup and entered the pharmacy.

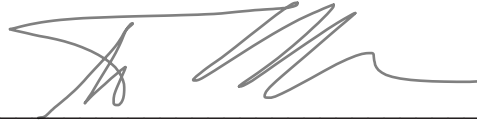
12. On August 16, 2018, WEBER and CLINTON were arrested at the HyVee pharmacy at 745 Madison Avenue in Council Bluffs, Iowa. During post-arrest interviews done by SA Paul Orduna and TFO Christopher Leighter, both WEBER and CLINTON stated they were being paid by Ashley S. FLEMING and Kentriss Thomas RHODES to fill prescriptions throughout the Midwest. WEBER also stated that on a previous trip, WEBER and CLINTON were picked-up by RHODES and "Jay", the cousin of FLEMING, then driven to Memphis, Tennessee in a gold Mazda van. WEBER stated they stopped at three or four Walgreens in Memphis and St. Louis and attempted to fill fraudulent prescriptions for Oxycodone 30mg.

13. When asked about their current trip to Nebraska and Iowa, WEBER stated that on August 15, 2018 he and CLINTON attempted to fill prescriptions at Walgreens, HyVee, CVS, and Kohll's in Nebraska. WEBER stated that they went to a HyVee pharmacy, where RHODES gave a prescription to CLINTON, who then gave the prescription to WEBER. According to WEBER, he and CLINTON waited 20 minutes inside the HyVee, but were not able to get the prescription. WEBER explained that he received a text message from FLEMING instructing him to get the prescription and leave the HyVee. When attempting to fill the prescription at a CVS, WEBER stated he and CLINTON received a text message from FLEMING instructing them to get the "work" (prescription) and leave the CVS.

14. During the post-arrest interviews, SA Orduna and TFO Leighter seized **DEVICE #1** from WEBER'S person and **DEVICE #2, DEVICE #3, and DEVICE #4** from CLINTON'S person. TFO Leighter and your affiant placed **DEVICE #1, DEVICE #2, DEVICE #3, and DEVICE #4** into the DEA Non-Drug Evidence Vault located at 2707 North 108<sup>th</sup> Street in Omaha, Nebraska.

15. Your Affiant believes that **DEVICE #1, DEVICE #2, DEVICE #3 and DEVICE #4** contains valuable information and evidence directly related to the purchase, transportation, and distribution of controlled substances, pursuant to Title 21, United States Code, Section 841 and Section 846, the unlawful acquisition or possession of a controlled substance by fraud, misrepresentation, or deceit, pursuant to Title 21, United States Code, Section 843, and could assist investigators in identifying the sources of supply and other known criminal associates. These devices are presently located within the District of Nebraska, at the DEA Omaha Field Division Office located at 2707 North 108 Street, Omaha, Nebraska.

Accordingly, Your Affiant respectfully requests that this Honorable Court issue a warrant allowing the search of these devices.



TYLER E. KROENKE  
Task Force Officer  
US Drug Enforcement Administration

SUBSCRIBED TO AND SWORN before me this 1 day of November, 2018.



MICHAEL D. NELSON  
United States Magistrate Judge  
District of Nebraska

## UNITED STATES DISTRICT COURT

for the  
District of Nebraska

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Devices 1, 2, 3 and 4 further described in  
attached affidavit.

Case No. 8:18MJ391

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the \_\_\_\_\_ District of \_\_\_\_\_ Nebraska  
(identify the person or describe the property to be searched and give its location):

See attached addidavit. Described in paragraph 6 and stored in the custody of DEA.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See attached addidavit.

**YOU ARE COMMANDED** to execute this warrant on or before \_\_\_\_\_ (not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to \_\_\_\_\_


MICHAEL D. NELSON

(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_

Date and time issued:

11/1/2018 9:52 a.m.   
Judge's signature

City and state:

Omaha, Nebraska

MICHAEL D. NELSON, U.S. Magistrate Judge

Printed name and title

**Return**Case No.:  
8:18MJ391

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*